

EXHIBIT C



CITY OF DETROIT
LAW DEPARTMENT

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September 28, 2017

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Fieger Law

Gina U. Puzzuoli
Fieger, Fieger, Kenney & Harrington, P.C.
19390 West Ten Mile Road
Southfield, Michigan 48075-2463

**RE: Freedom of Information Act Request A17-05578 Dated August 30, 2017
Concerning City of Detroit Police Department Records Pertaining to August
26, 2017 Incident Involving Damon Grimes**

Dear Ms. Puzzuoli:

This letter serves as the City of Detroit's response to the above-referenced matter. Your request was received by the City of Detroit Freedom of Information Section on September 5, 2017. Thank you for your patience.

Your letter requests:

"Original full and complete file of any and all records, including but not limited to, all files, file folders, memorandum, investigation record(s), UD-10, reports, complaints, 911 recordings, witness statements, notes, photographs, drawings, diagrams, dash cam video/audio, body camera footage, video tapes, scout car video and audio recordings for all squad cars that responded to the scene, all audio recordings (including but not limited to audio recordings of all phone calls to and from the police station and shift commander phones), dispatch audio recordings, dispatch records (whether handwritten or computerized), data from Event Data Recorder ("EDR") for each of the vehicles involved in the accident; data from Occupant Restraint Controller ("ORC") for each of the vehicles involved in the accident, pertaining to the fatal ATV crash that occurred on August 26, 2017, in Detroit, Michigan, involving Damon Grimes"

Your request for the full and complete investigation file is denied, pursuant to MCL 15.235(5)(b), for the reason that, based on the information provided by the City of Detroit Police Department ("DPD") personnel, the DPD does not possess a record which corresponds to the description of your request. According to DPD personnel, the record that you seek may be maintained by the Michigan State Police ("MSP"). MSP is a separate legal entity. Therefore, you must contact them directly.



Gina U. Puzzuoli
September 28, 2017
Page 2

Your request for records maintained by DPD for the purpose of its independent investigation is denied, pursuant to MCL 15.243(1)(b)(i) and (ii), for the reasons that the records you request are investigating records compiled for law enforcement purposes, the release of said records would interfere with law enforcement proceedings, and would deprive a person of the right to a fair trial. Moreover, the release of the record would endanger the life or the safety of said witnesses. Based on information provided by Detroit Police Department personnel, it is our understanding that the investigation surrounding this incident is currently open and active.

Please note that pursuant to Section 10 and 10a of the Act, MCL 15.240 and 15.240a, a person receiving a written denial of a request or receiving a letter to submit the labor costs may do one of the following:

- 1) Submit a written appeal to the head of the public body denying the request. Such appeal, if submitted, should specifically state the word "appeal" and identify the reason or reasons for reversal of the disclosure denial. MCL 15.240(1)(a) and MCL 15.240a(1)(a); or
- 2) Commence an action in the circuit court to compel the disclosure of the public records within 180 days after the public body's denial of the request, MCL 15.240(1)(b), or 45 days after the public body's request for labor costs, MCL 15.240a(1)(b). If a court finds that the information withheld by a public body is not exempt from disclosure, or that the labor costs requested by the public body exceeds the amount permitted, the requesting party may receive the requested record and, at the discretion of the court, reasonable attorney fees and /or cost. MCL 15.240(6) and (7), and MCL 15.240a(6) and (7).

For your information, please note that a public summary of City of Detroit FOIA procedures and guidelines is available on the City's website, www.detroitmi.gov, under "How Do I..." and "File".

Very truly yours,

Monique Smith
Senior Assistant Corporation Counsel
Governmental Affairs Section
(313) 237-3012

MS/